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C O N F I D E N T I A L SECTION 01 OF 04 HARARE 000395

SIPDIS

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STATE PASS TO NSC FOR SENIOR AFRICA DIRECTOR MICHELLE GAVIN

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TAGS: ASEC KDEM PGOV PHUM PREL ZI
SUBJECT: MEDIA STAKEHOLDERS SPIN OUTCOME OF MEDIA CONFERENCE

REF: A. HARARE 390
1B. HARARE 367

Classified By: Ambassador James D. McGEE for reasons 1.4 (b) and (d).

SUMMARY

11. (SBU) After several delays and despite a partial boycott, the All-Stakeholders' Media Conference under the theme "Towards an Open, Tolerant, and Responsible Media Environment" went forward May 8-10 in Kariba, with about half of the expected stakeholders present. The umbrella civil society organization Media Alliance of Zimbabwe (MAZ) boycotted the conference, reportedly because of the re-arrest and continued detention of journalist Andrisson Shadreck Manyere. While government officials, including the MDC Deputy Minister of Information, painted a rosy picture of the conference's outcome, some in civil society described the recommendations as relatively cosmetic and just a small step towards media freedom. News reports on the conference have varied wildly, with various factions angling to present skewed versions of events. Notably, the day after the conference ended, two prominent independent journalists were arrested for allegedly "publishing falsehoods," an indication that independent media in Zimbabwe remains under attack. While the conference represents a step towards liberalizing information freedom and availability, the government has yet to demonstrate the political will to make these changes a reality. END SUMMARY.

Conference On, Conference Off

12. (C) On May 11, we met with Deputy Minister of Media, Information, and Publicity, Jameson Timba (MDC-T), who presented the conference as a significant strategic accomplishment that will pave the way for media reform. He said the conference was necessary to create a platform to discuss media freedom, as described in the Short-Term

Economic Recovery Program (STERP), and the opening of media space, as mandated in the September 15 Global Political Agreement (GPA). Timba told us that his goal is to make his ministry obsolete within six months, instead providing official spokesmen to the various ministries.

¶3. (C) Timba explained that the conference was initially planned in coordination with members of civil society, including outspoken media groups Media Institute of Southern Africa (MISA) and MAZ. MISA Director Takura Zhangazha told us on May 12 that he participated in the design of the initial agenda, and was pleased with it. However, according to Timba, elements loyal to ZANU-PF, including Minister Webster Shamu, disagreed with the program. The conference was postponed pending a new agenda. Publicly, the postponement was attributed to the death of Deputy Prime Minister Thokozani Khupe's mother.

¶4. (C) Timba ceded control of the agenda of speakers to Shamu, recognizing that the conference would be used as a forum to blast the West. However, he maintained the thematic workshops, which he described as the "heart" of the Qworkshops, which he described as the "heart" of the conference, on the basis that the sessions would engage stakeholders to present suggestions that would become the policy recommendations from the conference. Zhangazha told us he and others were upset that they were excluded from the process and didn't support this second agenda, which included ZANU-PF aligned speakers they did not want to hear. He dismissed the conference as a "government" conference that did not produce recommendations from MISA and others. Upset

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about the second draft of the agenda, MISA and others were already discussing boycotting or moving for another delay when the re-arrest of photojournalist Andrisson Shadreck Manyere on May 5 (ref B) presented a face-saving rationale to pull out. After unsuccessfully imploring MAZ to participate, Timba announced it would be delayed, but only until May 8, the day of Manyere's High Court hearing. Although Manyere was not granted bail, the conference went forward, but only with 85 of the 160 anticipated participants. Timba said there were about 20 participants aligned to him and democratic media and 65 aligned to ZANU-PF and state media interests.

¶5. (C) Zimbabwe Union of Journalists President Matthew Takaona, who attended the conference, described the boycott as "unfortunate" and said that those who did not attend missed out on an opportunity to present their views to government. Takaona, whose presence was coordinated with Timba, said that the recommendations from the conference were encouraging but it would have been better if MAZ and more democratically-minded journalists had been present.

Draft Conference Recommendations: Repeal AIPPA, Form the Zimbabwe Media Commission, and Don't Insult the Prime Minister

¶6. (C) Timba told us the conference thematic workshops resulted in several recommendations, which he provided to us. He is continuing to gather input from those organizations and individuals who did not participate for further input. Once he compiles the recommendations, he will present a conference report to the Prime Minister who will present policy recommendations to Cabinet. Once cabinet approves the recommendations, draft legislation will be presented to Parliament. Timba was confident about the prospects for change by the "end of August" and said Shamu "buckles" under pressure from the Prime Minister. He believes Minister Shamu agrees with the current recommendations and will secure the support of other ZANU-PF cabinet members to make the changes legal.

¶ 7. (SBU) Of the 13 recommendations currently drafted, the most significant is to repeal Access to Information and Protection of Privacy Act (AIPPA) and replace it with two acts. First, the Freedom of Information Act would regulate access to information and privacy. Timba said it would be similar to the U.S. Freedom of Information Act. Second, the Media Practitioners Act would outline procedures for registration of journalists and provide for self-regulation by media practitioners. The conference also recommends amending other laws impacting the media, including the Public Order and Security Act (POSA) and the Criminal codification act. Zhangazha and other journalists scoffed at this, saying there are already laws to regulate media registration and that AIPPA and POSA should be repealed and not amended or that AIPPA and POSA should be repealed and not amended or replaced with anything else.

¶ 8. (SBU) The Zimbabwe Media Commission, which would replace the Media and Information Commission, should also be established. According to Timba, the ZMC will be comprised of members appointed by Parliament and will uphold the enforcement of the Freedom of Information Act and the Media Practitioners Act.

¶ 9. (C) Timba told us that he could not get the participants to agree to repeal legislation against "insulting the president." The new policy recommendation reads, "the offense of insulting the President should also protect the Prime Minister." Separately, the conference recommended that criminal defamation should be repealed because laws providing

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for civil defamation already exist.

¶ 10. (C) The conference recommendations also touch on international investment and involvement in media. The draft recommendations say, "access to the media industry and especially broadcasting should be allowed to foreign investors to the extent of 49 percent maximum" and "there must be no foreign investment in community broadcasters. Only foreign donations which must be verified to ensure that such donations do not amount to control of the broadcaster." Takaona described these as positive moves that would allow for additional funding for local broadcasters that would further open media space. However, it appears this language -- if implemented -- could easily be used to shut down or frustrate community radio stations or other media outlets (like Voice of America) that rely heavily on foreign funding and may not have Zimbabwean financial support. They represent an echo of dangerous language from the GPA disapproving of "foreign broadcasters" (e.g. VOA, BBC and SW Radio Africa).

Journalists Jailed After Conference Ends

¶ 11. (C) On May 9, in the midst of the conference, police went to the offices of The Zimbabwe Independent in Harare, looking for editor Vincent Kahiya and news editor Constantine Chimakure. Police sought to arrest the two in connection with an article published on the May 8 that detailed the contents of the indictments against abductees Jestina Mukoko and others (ref A). The article included the names and ranks of the police officers involved in the abductions and investigations of the abductees. (COMMENT: Lawyers from Zimbabwe Lawyers for Human Rights (ZLHR) told us on May 8 that the indictments -- which became public when they were issued on May 4 -- were essential in providing them with additional information on the perpetrators of the abductions, torture, and investigations of Mukoko and others. END COMMENT.)

¶ 12. (U) On May 11, Kahiya and Chimakure went to the police station, as requested, with their lawyer. After being interrogated for several hours, they were arrested and

charged under section 31 of the Criminal Law, "publishing falsehoods with the intention of undermining public confidence in law enforcement agents." In court on May 12, they were granted US\$200 bail and will next appear in court on May 28. They are required to check in with police weekly until then. Journalists have been outraged over the arrests.

Sanctions and Spin on the Conference

¶13. (C) Despite the conference's aim to encourage "responsible" media, the ZANU-PF mouthpiece The Herald has published several articles mischaracterizing the content of the conference. On May 11, The Herald ran a front page article under the headline "Scrap sanctions to level media playing field." The article went on to continue the attack against U.S. and EU sanctions, claiming that "speaker after speaker" had "detailed the debilitating effects the sanctions have had on media houses, training institutions, and the welfare of journalists." Takaona, however, told us that The Herald article was "a lie" and that sanctions were mentioned in passing and in the hallways. Timba also told us that some participants acknowledged sanctions have not impacted the media.

¶14. (C) On May 12, The Herald twisted a statement by Minister of Information, Communication, and Technology Nelson Chamisa

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(MDC-T) under the headline "Minister hails stakeholders' media conference." The article further implies Chamisa was critical of MISA's boycott. Zhangazha cited the two news articles as evidence that The Herald continues to serve as a ZANU-PF mouthpiece that is out to distort events for ZANU-PF's own favor, an indication that the media environment remains stifled and controlled.

¶15. (C) Timba brushed aside criticism of the conference's portrayal in The Herald, telling us "this is a high-level political game that I have no intention of losing." He expressed confidence that the short-term press blasting sanctions and the West will die down, having initially served ZANU-PF's political purposes, giving way to the more substantive, positive media reforms the conference proposed.

¶16. (C) Zhangazha, in contrast, believed that Timba's rosy assessment of the conference and The Herald articles represented attempts to legitimize the "All Stakeholders Conference" that only included half of the media stakeholders. Zhangazha told us that, in light of Manyere's continued detention, the arrests at The Independent, and The Herald's continued propaganda, now is the "wrong time" and "wrong environment" to negotiate. MISA, unlike Timba, does not have a short-term political agenda and prefers to focus on long-term needs rather than over compromise its position for short-term political gains. Zhangazha, who has closely followed Zimbabwean politics for years, believes that Timba was seeking to complete these "cosmetic" recommendations before PM Tsvangirai completed his first 100 days in office (May 22), leading him to rush the conference. Despite his many criticisms, Zhangazha agreed that the recommendations indicated a step forward, but not nearly enough change for him to be satisfied.

COMMENT

¶17. (C) The continued lack of media freedom, as reflected by Monday's arrests of two prominent journalists, remains one of the most important and difficult challenges facing the transitional government. The mere occurrence of a media conference that included both MDC and ZANU-PF affiliated participants indicates that some progress is, indeed, inching

in the right direction. More accurately, the conference represented a political accomplishment for Timba, in his maneuvering against the ZANU-PF forces that control the media. Zhangazha is correct to describe the current recommendations as "cosmetic." Zimbabwe needs not only significant legal reforms to improve the media environment in Zimbabwe, but the political will to make such changes a reality. The conference and subsequent recommendations would not even be necessary if ZANU-PF members of the "old guard" were willing to face the public criticism and scrutiny that comes with an open media environment. Judging by Monday's arrests -- which resulted from publication of information contained in public documents -- that political will is still lacking. END COMMENT.

MCGEE